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10/591,473

09/01/2006

Hideki Etori

ETOR3005/GAL

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EXAMINER

DUNWIDDIE, MEGHAN K

ART UNIT

PAPER NUMBER

2875

MAIL DATE

DELIVERY MODE

04/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--|--------------------------------------|--|
| Office Action Summary | Application No. 10/591,473 | Applicant(s) ETORI, HIDEKI | |
| | Examiner MEGHAN K. DUNWIDDIE | Art Unit 2875 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/01/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

This Office Action is a Non-Final Rejection in response to the application filed on September 1, 2006 by **Etori**.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on September 1, 2006 is in compliance with the provisions of 37 CFR 1.97, and accordingly, the information disclosure statement has been considered by the examiner.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant refers to measurement methods defined in JIS K7361-1:1997 and JIS K7136:2000 within the claims. These measurement methods would not be known to one of ordinary skill in the art and one of ordinary skill would not be able to make and or use the device based on applicant's present

disclosure and because these measurements methods are not defined within applicant's present disclosure the present claims are indefinite. In order for the applicant to overcome this rejection the specification and claims would need to be amended to include the measurement methods. As is best understood by the Examiner the present claims of the application have been examined and rejected below.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 6-8, and 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by **Masaki** et al. (US 6505959).

7. In reference to Claim 1, **Masaki** et al. shows a light control film having:

- A rough surface as one surface and a substantially smooth surface as the other surface [Figure 5: (10A)].

8. In reference to Claim 2, **Masaki** et al. shows a light control film having:

- A rough surface as one surface and a substantially smooth surface as the other surface [Figure 5: (10A)].

Art Unit: 2875

9. In reference to Claims 6 and 13, **Masaki** et al shows:

- A light guide plate equipped with a light source on at least one end portion thereof and having a light emergent surface approximately perpendicular to the end portion and a light control film provided on the light emergent surface of the light guide plate [Figure 5: (22, 21, 10A)].

10. In reference to Claim 7, **Masaki** et al. shows:

- The light control film is disposed so that the substantially smooth surface faces the light guide plate [Figure 5: (22)].

11. In reference to Claims 8 and 15 -17, **Masaki** et al. shows:

- A prism sheet is used between the light control film and the light guide plate [Figure 5: (10B)].

12. In reference to Claim 14, **Masaki** et al. shows:

- The light control film is disposed so that the substantially smooth surface faces the light guide plate [Figure 5: (10A and 22)].

Art Unit: 2875

13. Claims 1, 2, 6, 9, 10, 13, 14, 18, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by **Parker** et al. (US 6752505).
14. In reference to Claim 1, **Parker** et al. shows a light control film having:
- A rough surface as one surface and a substantially smooth surface as the other surface [Figure 1: (2)].
15. In reference to Claim 2, **Parker** et al. shows a light control film having:
- A rough surface as one surface and a substantially smooth surface as the other surface [Figure 1: (2)].
16. In reference to Claims 6 and 13, **Parker** et al shows:
- A light guide plate equipped with a light source on at least one end portion thereof and having a light emergent surface approximately perpendicular to the end portion and a light control film provided on the light emergent surface of the light guide plate [Figure 1: (unlabeled light guide, 26, and 2)].
17. In reference to Claims 9 and 18, **Parker** et al. shows:
- A light source, a light diffusive plate provided on one side of the light source and a light control film provided on the side of the light diffusive plate opposite to the light source side [Figure 1: (26, 30, and 2)]

18. In reference to Claims 10 and 19, **Parker** et al. shows:

- The light control film is disposed so that the substantially smooth surface faces the light source [Figure 1: (2 and 26)].

19. In reference to Claim 14, **Parker** et al. shows:

- The light control film is disposed so that the substantially smooth surface faces the light guide plate [Figure 1: (unlabeled light guide and 2)].

20. Claims 3-5, 11, and 12 would not be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MEGHAN K. DUNWIDDIE whose telephone number is (571)272-8543. The examiner can normally be reached on Monday through Friday 8 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571)272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2875

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sandra L. O'Shea/
Supervisory Patent Examiner, Art
Unit 2875

MKD